

ARTICLE II. LIVESTOCK

Sec. 4-19. Keeping not to be detrimental to use of adjacent property.

No person shall utilize any stable, pasture or animal yard for the keeping of livestock in any manner that is detrimental to the use of adjacent property or that, because of odor, noise or attraction of flies or other pests, reduces or otherwise unreasonably restricts the rights of adjacent property owners to enjoy the use of their property.

Sec. 4-21. Storage or accumulation of manure.

No person shall store, stockpile or permit any accumulation of manure or livestock waste in any manner whatsoever that, due to odor, attraction of flies or other pests or for any other reason, diminishes the rights of adjacent property owners to enjoy reasonable use of their property.

ARTICLE IV. PERFORMANCE STANDARDS FOR USES

DIVISION 2. AGRICULTURE, ANIMAL KEEPING AND RELATED USES (CATEGORY 2)

Sec. 24.1-414. Standards for horsekeeping and commercial stables.

(a) The minimum area of any parcel proposed for the keeping of horses, whether accessory to a residential use or as a commercial stable, shall be two (2) usable acres [1ha]. In determining usable acreage, the area occupied by any residential structures, the area of required front or side yards, and any areas unsuitable for keeping of horses by reason of topographic or drainage conditions shall not be included in the computation.

(b) The maximum number of horses permitted as an accessory and incidental use on a residential property shall be one (1) per each usable acre [1:0.5ha] of land as defined in subsection (a) above. In the case of commercial stables, the maximum number of horses permitted shall be two (2) per usable acre [2:0.5ha] of land or such fewer number as the zoning administrator may deem appropriate given the characteristics of the subject property and the surrounding area.

(c) Stables or housing for horses shall not be constructed or located within one hundred feet (100') [30m] of an abutting property owned or occupied by a person other than the owner or occupant of the property on which such stable or housing is located, nor within one hundred feet (100') [30m] of a public right-of-way.

(d) Stables, pastures, or animal yards shall not be utilized for the keeping of horses in any manner that is detrimental to the use of adjacent property or that, because of odor, noise or attraction of flies or other pests, reduces or otherwise unreasonably restricts the rights of adjacent property owners to enjoy the use of their property.

(e) Horses shall not be stabled, pastured, or otherwise kept within one thousand feet (1,000') [300m] of a drinking water reservoir unless it can be proven to the satisfaction of the health department and the zoning administrator that any runoff will be away from the reservoir and that public health will not be negatively impacted. In such cases, a two hundred foot (200') [60m] buffer must be maintained. This shall not be interpreted to preclude the riding of horses or establishment of bridle trails closer than the specified distance provided that the health department and owner of the reservoir approve.

(f) Horses shall not be stabled, pastured or otherwise kept within one hundred feet (100') [30m] of an active well nor shall they be stabled, pastured or kept in any manner whatsoever that causes drainage or water runoff from the stable, pasture or animal yard to flow within one hundred feet (100') [30m] of an active well.

(g) Manure or animal wastes shall not be stored, stockpiled, or permitted to accumulate in any manner whatsoever that attracts flies or other pests, or for any other reason diminishes the rights of adjacent property owners to enjoy reasonable use of their property. Drainage associated with the storage or stockpiling of animal manure shall not be permitted to contaminate or pollute any stream, well, watercourse, or drainageway, natural or manmade. The owner shall provide the county with a soil conservation and management plan prepared by the Colonial Soil and Water Conservation District which shall include:

- (1) a nutrient management plan for the proper storage and application of animal waste;
- (2) an erosion control plan to ensure the integrity of the slopes; and
- (3) a best management practices program for controlling and treating surface runoff.

In determining consistency with this condition, the zoning administrator may require that the above plans be reviewed and approved by the Virginia Cooperative Extension Service and the U.S. Department of Agriculture - Soil Conservation Service.

(h) The keeping of horses as an accessory use on residential property shall be solely for the recreational purposes of the family living on the premises. Boarding of horses owned by others is prohibited.

(i) All horses shall be kept in pens or other enclosures designed and maintained for secure confinement.

(j) The zoning administrator shall find, prior to approval, that such use will not be detrimental to the character of the neighborhood and may impose such additional conditions, including special requirements for setbacks of pastures and requirements for drainage control, as deemed necessary to promote the public interest and welfare.

(k) Such uses shall comply in all respects with the standards and requirements established in chapter 4, article II, Livestock, York County Code.